

SEP 14 2005

PTO/SB/21 (09-04)

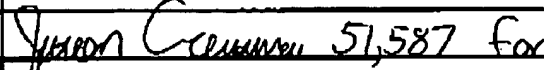
Approved for use through 07/31/2006, OMB 0851-0031

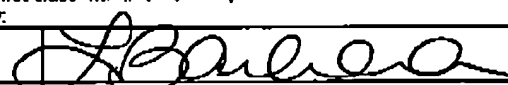
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/805,606	
	Filing Date	March 19, 2004	
	First Named Inventor	Donald J. Lewis	
	Art Unit	3747	
	Examiner Name	Erick Solis	
Total Number of Pages in This Submission	5	Attorney Docket Number	81100233

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement - PTO/SB/08A (2 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Alleman Hall McCoy Russell & Tuttle LLP		
Signature			
Printed name	Christopher S. Tuttle		
Date	September 14, 2005	Reg. No.	41,357

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Lauren Barberena
Date	September 14, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 14 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

September 14, 2005

DONALD J. LEWIS, JOHN O. MICHELINI,  
MICHAEL J. CULLEN and JOHN D. RUSSELL

Serial No. : 10/805,606

Group Art Unit: 3747

Filed : March 19, 2004

Examiner: Erick Solis

For : IMPROVED ENGINE BREATHING IN AN ENGINE WITH  
MECHANICAL AND ELECTROMECHANICAL VALVESINFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97, 1.98

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, the following patents, publications, applications, and/or other information are being submitted and disclosed to the Office, including those listed on the enclosed Form PTO-1449, for consideration by the Examiner.

Applicants respectfully request that the disclosed information be made of record and expressly considered by the Examiner during examination of the pending application. Further, Applicants respectfully request that the disclosed items be listed on the face of any patent issuing from the pending application in the "references cited" column.

In accordance with 37 C.F.R. § 1.97 (g), the present information disclosure statement is not a representation that a search has been made.

In accordance with 37 C.F.R. § 1.97 (h), the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, material to patentability.

In accordance with MPEP § 609, Applicants respectfully request that if the present application is a continuing application, all information considered by the Office in the parent application be considered in the present application, although it need not be listed on the face of the patent unless resubmitted in this or another information disclosure statement filed in this application.

Finally, the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, prior art.

Page 1 – INFORMATION DISCLOSURE STATEMENT  
Serial No. 10/805,606; Record ID 81100233

**BASIS FOR CONSIDERATION BY THE OFFICE UNDER 37 C.F.R. § 1.97****☒ 37 C.F.R. § 1.97(d)**

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, on or before payment of the issue fee.

☐ Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☒ Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

AND

☐ A check in the amount of \_\_\_\_\_ is enclosed.

☒ Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account 06-1510.

**CONTENT OF INFORMATION DISCLOSURE STATEMENT 37 C.F.R. § 1.98**

The present information disclosure statement includes any information noted above, along with a Form PTO-1449 (2 pages).


If there are any questions regarding this submission, please contact the undersigned.

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being sent to the U.S. Patent and Trademark Office via facsimile at (571) 273-8300 on September 14, 2005.

  
Lauren Barberena

Respectfully submitted,  
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TUTTLE LLP

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Substitute for form 1449/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	10/805,808
Filing Date	March 19, 2004
First Named Inventor	Donald J. Lewis
Art Unit	3747
Examiner Name	Erick Solis
Attorney Docket Number	81100233

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 3,828,247	08-06-1974	Kirsch et al	
		US- 4,009,695	03-01-1977	Ule	
		US- 4,779,582	10-25-1988	Lequesne	
		US- 4,990,854	02-05-1991	Friz	
		US- 5,596,956	01-28-1997	Ogawa et al	
		US- 5,636,601	06-10-1997	Moriya et al	
		US- 5,934,231	08-10-1999	Schmitz et al	
		US- 5,992,153	11-30-1999	Tsuchihashi et al	
		US- 6,062,186	05-16-2000	Barnes et al	
		US- 6,247,449	06-19-2001	Persson	
		US- 6,390,038	05-21-2002	Di Lieto et al	
		US- 6,422,185	07-23-2002	Duesmann et al	
		US- 6,435,147	08-20-2002	Eichensener et al	
		US- 6,619,245	09-18-2003	Fujiwara et al	
		US- 6,681,173	01-20-2004	Turner et al	
		US- 6,691,021	02-10-2004	Takagi et al	
		US- 6,718,928	04-13-2004	Brueggen et al	
		US- 6,763,707	07-20-2004	Kumagai et al	
		US- 6,772,723	08-10-2004	Aoki et al	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>2</sup> -Number <sup>3</sup> -Kind Code <sup>4</sup> (if known)				

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

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